

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ANDRÉ LEON GREAVES,

Plaintiff,

v.

1:16-cv-04250-WSD

**LINDA WARREN HUNTER and
HEATHER C. WATERS,**

Defendants.

OPINION AND ORDER

This matter is before the Court on Magistrate Judge Justin S. Anand's Final Report and Recommendation [4] ("R&R"), recommending this action be dismissed for failure to abide by a lawful order of the Court.

I. BACKGROUND

On November 6, 2016, Plaintiff André Leon Greaves ("Plaintiff") filed a complaint for civil rights violations. ([1]). On December 1, 2016, the Magistrate Judge directed "within 28 days [from the date of the Order,] Plaintiff must either submit the full filing and administrative fees of \$400.00 or sign and return a financial affidavit seeking leave to proceed IFP." ("December 1st Order" [2] at 1). The Magistrate Judge warned Plaintiff that "failure to either (1) pay the fee or submit the required affidavit within the specified time period or (2) keep the Court

informed of Plaintiff's current address at all times while this action is pending may result in its dismissal, as provided in the Local Rules of this Court." (Id. at 1-2).

Plaintiff did not respond to the December 1st Order.

On January 13, 2017, the Magistrate Judge issued an order for Plaintiff "to show cause within 14 days why this action should not be dismissed due to his failure to obey the Court's previous order." ("January 13th Order" [3] at 1).

Plaintiff did not respond to the January 13th Order.

On January 31, 2017, the Magistrate Judge issued his R&R. In it, he recommends that the Court dismiss this action for Plaintiff's failure to comply with the December 1st Order and January 13th Order. Plaintiff did not file any objections to the R&R, and has not otherwise taken any action in this matter.

II. DISCUSSION

A. Legal Standard

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). No party objects to the R&R, and the Court thus conducts a plain error review of the record. See United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983).

B. Analysis

Under Local Rule 41.3(A)(2), “[t]he court may, with or without notice to the parties, dismiss a civil case for want of prosecution if: . . . [a] plaintiff . . . shall, after notice, . . . fail or refuse to obey a lawful order of the court in the case.” L.R. 41.3(A)(2), NDGa.

Plaintiff failed to comply with the December 1st Order and January 13th Order after being advised that failure to comply with these orders may result in the dismissal of this action. The Magistrate Judge recommends this action be dismissed for Plaintiff’s failure to comply with the Court’s orders. The Court finds no plain error in this finding and recommendation. Slay, 714 F.2d at 1095. Accordingly, this action is dismissed pursuant to Local Rule 41.3(A)(2).


III. CONCLUSION

For the foregoing reasons,

IT IS HEREBY ORDERED that Magistrate Judge Justin S. Anand’s Final Report and Recommendation [4] is **ADOPTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED WITHOUT PREJUDICE** pursuant to Local Rule 41.3(A)(2) for failure to comply with a lawful order of the Court.

SO ORDERED this 24th day of February, 2017.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE